IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.68651-M of 2006

DATE OF DECISION:15.12.2006

Harpreet Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri R.M. Singh, Advocate
and Shri Maharaj Kumar, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

****

Petitioner Harpreet Singh apprehending his arrest in a non-bailable offence in case FIR No. 241 dated 9.10.2006 under Sections 406/420/120-B IPC, registered at Police Station City Rajpura, District Patiala, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the petitioner was given general power of attorney by the complainant, who is real uncle of the petitioner and on the basis of the said general power of attorney, an agreement was executed by the petitioner on 17.6.2005 and in pursuance of the said agreement, the sale deed was executed on 9.8.2006 which was registered on 10.8.2006. It is the case of the petitioner that at the time of the agreement, the entire sale consideration of more than Rs.23.00 lacs was paid and the said amount was paid by the petitioner to the complainant, therefore, to avoid the said agreement and liability, he got the general power of attorney cancelled and lodged the aforesaid case on false

facts.

Counsel for the petitioner further contends that in view of the order dated 6.11.2006, the petitioner has joined the investigation. Counsel also contends that a civil suit filed by the complainant challenging the aforesaid sale deed is still pending between the parties. Counsel for the respondent-State on instructions from Ram Dayal, SI does not dispute these facts.

In view of the above, without expressing anything on the merits of the case, the interim bail, granted vide order dated 6.11.2006 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

December 15, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**